

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**THOMAS N. THURLOW**

**Appellee**

**v.**

**SHELIA B. THURLOW**

**Appellant**

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**Civil Action No. H –06– 2285**

**MEMORANDUM AND ORDER**

Debtor Shelia B. Thurlow appeals from the decision of the Bankruptcy Court granting relief from the automatic stay. 11 U.S.C. § 362. Specifically, the Bankruptcy Court granted the relief so as to allow state court divorce proceedings (the “Divorce Case”) to continue between Debtor and Appellee Thomas N. Thurlow.

There is substantial doubt as to whether the automatic stay ever applied to the Divorce Case since the Debtor was the plaintiff, and § 362 stays judicial proceedings *against* a debtor, not those brought *by* a debtor. Nonetheless, if the automatic stay did apply, the Bankruptcy Court was clearly correct to lift the stay so as to allow the tribunal most familiar with divorce and family property issues to adjudicate the parties’ respective rights.

Accordingly, Debtor's appeal is **DISMISSED**. The parties are, however, required to report to this Court by the earlier of (a) January 2, 2008, or (b) fifteen days after the resolution of the pending appeal in the Divorce Case, as to the outcome of the appeal and the parties' recommendations as to further proceedings in Bankruptcy Court.

**IT IS SO ORDERED.**

SIGNED at Houston, Texas this 10<sup>th</sup> day of January, 2007.

  
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KEITH P. ELLISON  
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT.**